

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 51 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?

2. To be referred to the Reporter or not?

3. Whether Their Lordships wish to see the fair copy of the judgement?

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge?

1 to 5 : No

SURESH GANPATBHAI SONAR

Versus

STATE OF GUJARAT

Appearance:

THROUGH JAIL for Petitioner

MR BD DESAI, ADDL.PUBLIC PROSECUTOR for Respondent No. 1

CORAM : MR.JUSTICE S.D.DAVE

Date of decision: 08/04/96

ORAL JUDGEMENT

The present petition requires a dismissal. The prisoner Suresh Sonar was on a parole leave for a period of 30 days under the orders passed by this Court on 16th June 1988. The prisoner was required to surrender on July 22, 1988. He had failed to do so and later on, he could be apprehended after 2289 days. Under the Jail Manual, the necessary proceedings were instituted and the remission which had urged came to be cancelled. The deposit which was with the Jail authority from the surety was forfeited. One furlough leave was also taken away. This had happened under the orders of the Jail Superintendent, Baroda, under his orders dated 1st February 1995. It is, at this juncture that, the present

petition come up before me for hearing.

Learned Government Counsel Mr. B.D. Desai draws my attention to the orders passed by the I.G. Prisons, on November 3, 1995. These orders say that the appeal of the prisoner has been considered on merits and the same has been rejected or dismissed. It is, therefore, clear that the prisoner had availed of the statutory remedy available to him, but he has failed.

The question which arises now, for my consideration is as to whether, in these facts and circumstances of the case, should I interfere under Article 227 of the Constitution of India. The answer, probably, appears to be in negative, because, the two authorities have come to the concurrent conclusion that, the punishment awarded was proper in the background of the facts. Moreover, it requires to be noticed that, though the prisoner granted a parole under the orders of this Court, for a period of thirty days, he was absconding and later on, he was found to have been involved in C.R. No. 117 of 1994 of Jalapor (Navsari) Police Station for the alleged commission of the offences punishable under Sections 323, 325 and 504 IPC. These are the facts upon which, I would like to refrain from exercising my jurisdiction for granting any relief in favour of the prisoner. The present petition fails and the same requires to be dismissed. The same is hereby accordingly dismissed. Rule shall stand discharged.
